IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Crl.Rev.Pet.No. 125 of 2002()

CC.241/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL

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REVN. PETITIONER: COMPLAINANT

BABU M., ARUNODAYAM, PULIMATH,
MILIMANOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SMT.RESMI G. NAIR

RESPONDENTS: ACCUSED & STATE.

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1. VIDYADHARAN, S/O. PADMANABHAN,
CHARUVILA VEEDU, KUDIYELA,PULIMATH P.O.,
KILIMANOOR,THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, OFFICE OF THE ADVOCATE GENERAL,HIGH
COURT OF KERALA, ERNAKULAM,KOCHI-31.

BY ADV. SRI.K.P.DANDAPANI
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.No.125 of 2002-A

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Dated this the 16th day of October, 2007

O R D E R

The revision petitioner is the complainant in C.C.No.241/2000 in the file of the Judicial Magistrate of the First Class-II, Attingal, who had initiated proceedings under Section 138 of the Negotiable Instruments Act with respect to dishonour of cheque for Rs.40,000/-. The trial court on the accused pleading guilty invoked Section 3 of the Probation of Offenders Act and ordered to pay a compensation of Rs.5,000/-.

2. In view of the fact that the complainant has to be compensated for the loss sustained by him, I find that the order of the court below cannot be sustained. The same is set aside. The matter is remitted back to the court below for fresh disposal on merits after permitting the parties to adduce evidence in the matter.

The criminal revision petition is allowed. The matter is posted before the court below on 16/11/2007.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.R.P.No.125 of 2002-A

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O R D E R

16th October, 2007